

## **REMARKS**

In the Office Action dated July 13, 2004, claims 1-4 and 6-14 are pending, claims 1-4 and 6-13 are rejected.

The above amendment combines the recitations of claim 6 and claim 1. New claim 15 is presented, which has support throughout the original application and claims.

Claims 1-4 and 6-12 are rejected under 35 U.S.C. §102(a and/or e) over Bono (US 5,954,722). The examiner states that "Bono discloses a fastening assembly having a fixing element (such as 10, 110) to be fastened to a substructure where the fixing element has at least one bore (such as 14), as seen in figure 6. . . ."

Bono Fig. 6 shows that the connection between the screw head and the bushing 16 is made by a thread, which is not a form-locking connection but a frictional connection.

Bono shows a device where the screw has two types of threads, the first thread is the bone thread on the shaft of the bone screw and the second thread is the thread on the head of the bone screw. This requires a very precise manufacturing. Further, a problem arises, because the bone plate 110 cannot be drawn against the surface of the bone to provide a stable connection. When the screw is screwed into the bone and the thread on the head of the screw is beginning to spread the bushing the bushing can no

longer rotate in the opening. Therefore, from that point of time, the plate can no longer be drawn against the bone surface.

In contrast thereto, according to the present invention, the bushing together with the screw head (which is threadless but form-fitting with the bushing so as to lock therein) remains swivable until the screw is completely screwed in. This has the advantage that no undesired tension can build up.

Thus, it is not seen how Bono anticipates the presently claimed invention, as set forth in claims 1-4 and 6-12, or how it would have been obvious to one of ordinary skill in the art in view of Bono.

Claim 13 is rejected under 35 U.S.C. §102(a and/or e) or, in the alternative, under 35 U.S.C. §103(a) over Bono. The examiner states that the specification does not recite the criticality of the invention in use in any particular way and, therefore, the intended use is not given patentable weight for it does not define structure.

Claim 13 is patentable for at least the same reasons as discussed above with respect to claim 1. The form-locking connection, unlike the threaded friction connection of Bono, permits the screw head to swivel in the bushing until the screw is tightened. Thus, the criticality of the invention is defined by the structure.

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Thus, it is not seen how Bono anticipates the presently claimed invention, as set forth in claim 13, or how it would have been obvious to one of ordinary skill in the art in view of Bono.

An early reconsideration and notice of allowance are earnestly solicited. Should the Examiner wish to discuss this application, the undersigned attorney would appreciate the opportunity to do so.

Date: March 16, 2005

Respectfully submitted,

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